

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**CORDARIOUS NELSON**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 3:13cv1040-HSO-RHW**

**MANAGEMENT AND TRAINING  
CORPORATION, *et al.***

**DEFENDANTS**

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION AND DISMISSING CASE FOR FAILURE TO  
EXHAUST ADMINISTRATIVE REMEDIES**

This matter comes before the Court on the Report and Recommendation [25] of United States Magistrate Judge Robert H. Walker, entered in this case on March 10, 2014. The Magistrate Judge reviewed the pleadings on file and conducted an omnibus/*Spears*<sup>1</sup> hearing on February 4, 2014. The Magistrate Judge recommended that this case be dismissed for Plaintiff's failure to exhaust administrative remedies. Report and Recommendation [25] at 4.

The Report and Recommendation [25] was mailed to Petitioner on March 10, 2014, via certified mail return receipt requested. An acknowledgment of receipt [26], dated March 13, 2014, was received by the Clerk of Court and filed into the record on March 18, 2014. Any objection to the Magistrate Judge's Report and Recommendation [25] was due within fourteen (14) days of service. L.U. Civ. R. 72(a)(3). To date, Plaintiff has not filed any objection to the Magistrate Judge's Report and Recommendation [25].

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<sup>1</sup>*Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985).

Where no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a *de novo* review of it. 28 U.S.C. § 636(b)(1) ("a judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made"). In such cases, the Court applies the "clearly erroneous, abuse of discretion and contrary to law" standard of review. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having conducted the required review, the Court concludes that the Magistrate Judge's findings are not clearly erroneous, nor are they an abuse of discretion or contrary to law. For the foregoing reasons, the Court will adopt the Magistrate Judge's Report and Recommendation [25] as the opinion of this Court. This civil action will be dismissed for Plaintiff's failure to exhaust administrative remedies.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that, the Report and Recommendation [25] of Magistrate Judge Robert H. Walker, entered on March 10, 2014, is adopted in its entirety as the finding of this Court.

**IT IS, FURTHER, ORDERED AND ADJUDGED** that, this civil action is **DISMISSED WITHOUT PREJUDICE** for Plaintiff's failure to exhaust administrative remedies.

**SO ORDERED AND ADJUDGED**, this the 3<sup>rd</sup> day of April, 2014.

*s/ Halil Suleyman Ozerden*  
HALIL SULEYMAN OZERDEN  
UNITED STATES DISTRICT JUDGE